

IN SENATE OF THE UNITED STATES.

JANUARY 28, 1846.

Submitted, and ordered to be printed.

Mr. PEARCE made the following

REPORT :

*The Committee on Pensions, to whom was referred the petition of Lydia Lush, report :*

That the said Lydia Lush is the widow of Stephen Lush, an officer of the army during the Revolution, to whom she was married in the year 1781; that in 1777, while acting as brigade major and aid-de-camp to General George Clinton, he was taken prisoner, but was released on parole in February, 1778, and discharged from parole in October, 1778. He died in 1825. Under the act of 7th July, 1838, a pension was granted to Mrs. Lush, and the object of the present petition is to obtain a pension under the act of July 4, 1836, which act gives a pension for life, beginning on the 4th of March, 1831, to such widows of revolutionary officers as were married prior to the last period of their husband's service, while the act of 1838 gives a pension only for five years to such widows as were married prior to 1794. The question in this case is, whether the husband of Mrs. Lush performed military service in the army of the United States after he was married; and upon this point the testimony is entirely defective. He was married in 1781, and Mrs. Lush, in her petition of 1838, says that her "husband was occasionally absent from home on public duty during the war, after he was released from parole, but whether he was engaged in the military service of the United States after that period or not she does not and cannot state." She has no evidence in her "possession or knowledge to show whether he was or was not so engaged."

It does not, indeed, appear that Captain Lush ever resigned his commission as aid to General Clinton, but he *performed* no military service after his release on parole in 1778.

It is said that Governor Clinton took possession of New York in 1783, upon its evacuation by the British after the close of the Revolution, and that, upon this occasion, Captain Lush acted as his aid. If this were so, and the proof is not clear, it would not entitle his widow to the pension she asks for, because such service was not the discharge of military duty "during the Revolution."

The committee recommend the adoption of the following resolution :

*Resolved*, That the prayer of the petitioner be not granted.

